

COUNTY OF MAUI
DEPARTMENT OF PLANNING
250 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
TELEPHONE: (808) 270-7735 FAX: (808) 270-7634

SHORELINE SETBACK VARIANCE

SOURCE OF LEGAL AUTHORITY: Chapter 205, Hawaii Revised Statutes, as amended, and Title MC-12, Subtitle 02, Chapter 5, Rules of the Maui Planning Commission relating to the Shoreline Area of the Islands of Kahoolawe, Lanai, and Maui.

INFORMATIONAL SHEET

A variance is required for all proposed structures, facilities, construction or any such activities which are prohibited within the shoreline setback area. (The shoreline setback is not less than 25 feet and not more than one hundred fifty (150) feet inland from the upper reaches of the wash of waves other than storm and seismic waves, at high tide during the season of the year in which the highest wash of the waves occurs, usually evidenced by the edge of vegetation growth, or the upper limit of debris left by wash of the waves.) This will protect the public's right to utilize and enjoy the shoreline to the fullest extent possible; to preserve the natural shoreline environment with compatible man-made features, and to protect the natural shoreline processes.

Upon submittal of a Shoreline Setback Variance Application, it will be sent to the Central Coordinating Agency, Department of Public Works and Environmental Management (DSA) and reviewed for completeness.

Upon certification by the CCA, the application will be transmitted to the various reviewing agencies provided the information submitted is adequate and additional information is not required. Upon receipt of all comments from the reviewing agencies, a hearing will be scheduled with the Maui Planning Commission to review and act upon the request.

Between the date of certification of completeness and Planning Commission hearing, the following must be completed:

PLANNING DEPARTMENT

- Referral to other agencies for comments.
- Publication of Hearing Notice.
- Preparation of a report

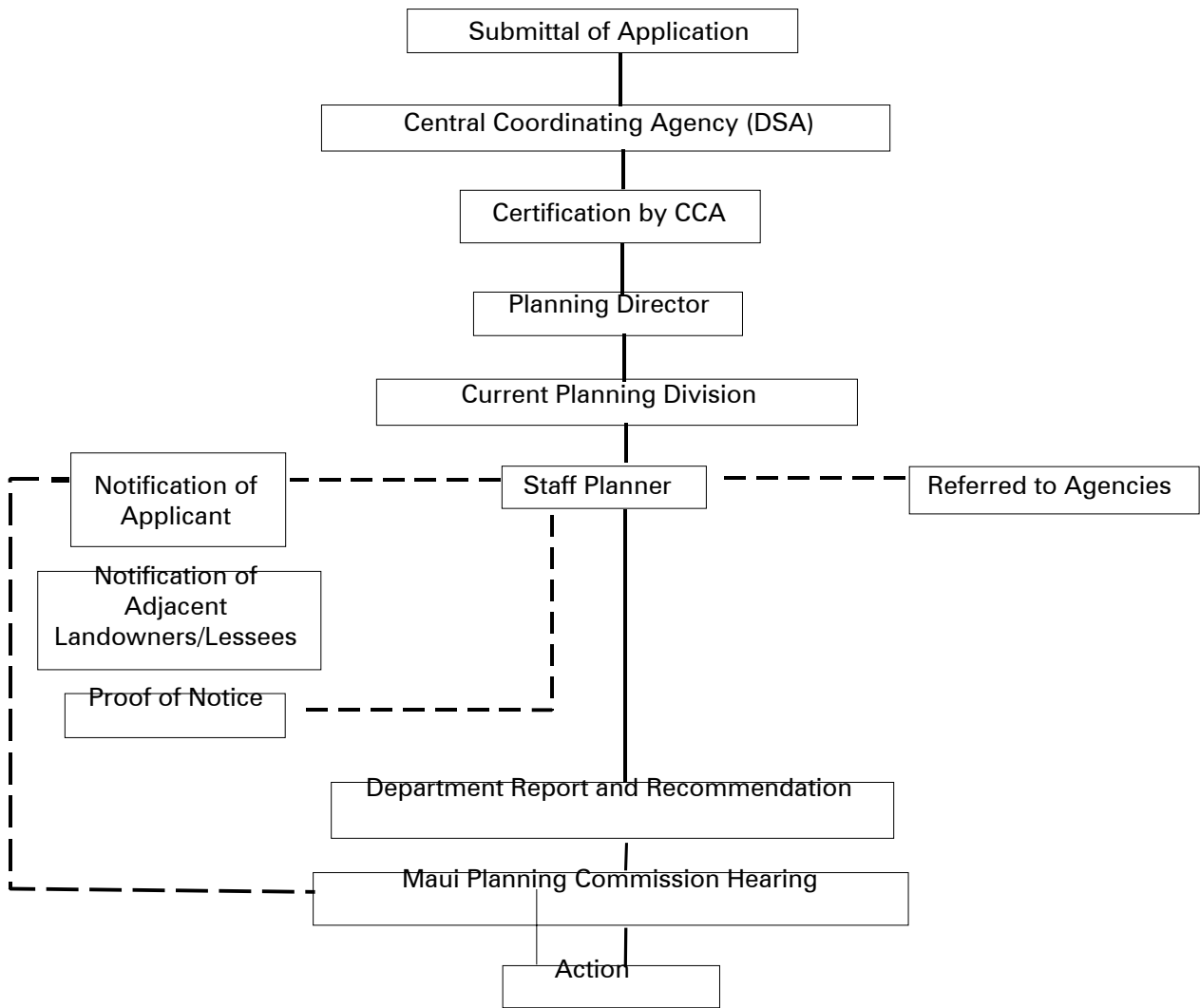
APPLICANT

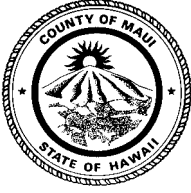
- Notify adjacent owners and recorded lessees of the hearing date. Proof of notice will be mailed back to the Department at least 10 days prior to the hearing date.

Please note that prior to scheduling a hearing, full compliance with Chapter 200 of the State Department of Health, Environmental Impact Rules, is required.

SHORELINE SETBACK VARIANCE

FLOW CHART





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APPLICATION TYPE: SHORELINE SETBACK VARIANCE

DATE: _____

PROJECT NAME: _____

PROPOSED DEVELOPMENT: _____

TAX MAP KEY NO.: _____ **CPR/HPR NO.:** _____ **LOT SIZE:** _____

PROPERTY ADDRESS: _____

OWNER: _____ **PHONE:(B)** _____ **(H)** _____

ADDRESS: _____

CITY: _____ **STATE:** _____ **ZIP CODE:** _____

OWNER SIGNATURE: _____

APPLICANT: _____

ADDRESS: _____

CITY: _____ **STATE:** _____ **ZIP CODE:** _____

PHONE (B): _____ **(H):** _____ **FAX:** _____

APPLICANT SIGNATURE: _____

AGENT NAME: _____

ADDRESS: _____

CITY: _____ **STATE:** _____ **ZIP CODE:** _____

PHONE (B): _____ **(H):** _____ **FAX:** _____

EXISTING USE OF PROPERTY: _____

CURRENT STATE LAND USE DISTRICT BOUNDARY DESIGNATION: _____

COMMUNITY PLAN DESIGNATION: _____ **ZONING DESIGNATION:** _____

OTHER SPECIAL DESIGNATIONS: _____

VALUATION: \$ _____

SHORELINE SETBACK VARIANCE
REQUIRED SUBMITTALS

- ___ 1. Evidence that the applicant is the owner or lessee of record of the real property.
- ___ 2. A notarized letter of authorization from the legal owner if the applicant is not the owner.
- ___ 3. Original and two (2) copies of the shoreline survey certified by the Department of Land and Natural Resources within the preceding twelve (12) months.
- ___ 4. Original and 1 set of a site plan showing the location of the shoreline drawn to a minimum scale of 1"=20'. The shoreline and existing conditions along properties immediately adjacent shall also be shown on the site plans. It shall also include contours at a minimum interval of 2 feet, together with all natural and man-made features in the subject area unless otherwise required by the Director.
- ___ 5. A written justification for the requested variance.
- ___ 6. Original and 1 copy of a preliminary drainage and erosion control report, and a grading plan.
- ___ 7. Original and 1 copy of an environmental assessment may be required.
- ___ 8. Photographs (preferably slides) of the shoreline area.
- ___ 9. **Non-refundable filing fee** (see Fee Schedule, Table A) payable to *County of Maui, Director of Finance*.
- ___ 10. Additional information that may be required by the Planning Director (i.e., Engineering Report, soils analysis, archaeological report, etc.)

NOTE: Upon review of the original and 1 copy of the application packet for transmittal to public agencies, the Planning Department will notify the applicant as to how many copies of the application packet are needed for agency transmittal.

One (1) additional copy if the project fronts a State Highway.

NOTARIZED AFFIDAVIT OF MAILING

_____, being first duly sworn on oath, deposes and says that:

1. Affiant is the applicant for a _____
for land situated at _____,
TMK: _____
2. Affiant did on _____, _____, deposit in the United States mail, post paid, by certified or registered mail and delivery to addressee, a copy of a Notice of Hearing, a copy which is attached hereto as "Exhibit A" and made a part hereof, addressed to each of the persons identified on "Exhibit B," attached hereto and made a part hereof.
3. Thereafter there was returned to the Office of Affiant the United States Post Office Certified or Registered Mail Receipts, which are attached hereto as "Exhibit C" and made a part hereof.
4. Further Affiant sayeth naught:

TO:

DATE:

Please be informed that the undersigned has applied to the Maui Planning Commission of the County of Maui for a Shoreline Setback Variance at the following parcel(s):

1. Tax Map Key: _____
2. Location: In the vicinity of _____
3. Zoning Designation: _____
4. Proposed use: _____

THIS SECTION TO BE COMPLETED BY THE PLANNING DEPARTMENT:

Public Hearing Date: _____
Time: _____
Place: _____

Attached please find a map identifying the location of the specific parcel being considered in the request for Shoreline Setback Variance Application.

Petitions to intervene shall be in conformity with Section 12-201-20 of the Rules of Practice and Procedure for the Maui Planning Commission and shall be filed with the commission and served upon the applicant no less than ten days before the first public hearing date. Filing of all documents of the commission is c/o the Maui Planning Department, 250 South High Street, Wailuku, Maui, Hawaii 96793.

The computation of time begins with the day following the act, event, or default, and includes the last day of the period unless it is a Saturday, Sunday or legal state holiday in which event the period runs until the end of the next day which is not a Saturday, Sunday, or state holiday. When the prescribed period of time is 10 days or less, Saturdays, Sundays, or state holidays within the designated period shall be excluded in the computation.

Any party may be represented by Counsel or other representative.

Testimony relative to this request may be submitted in writing to the Maui Planning Commission, 250 South High Street, Wailuku, Maui, Hawaii 96793, or presented in person at the time of the public hearing.

Information relative to the application is available for review at the Planning Department, 250 S. High Street, Wailuku, Maui, Hawaii, Telephone (808) 270-7735; toll free from Molokai 1-800-272-0117, Extension 7735; and toll free from Lanai 1-800-272-0125, Extension 7735.

Name of Applicant

Signature

Address

____ () _____
Telephone

**COUNTY OF MAUI
DEPARTMENT OF PLANNING**

ZONING AND FLOOD CONFIRMATION REQUEST FORM

APPLICANT: _____ PHONE NO.: _____

ADDRESS: _____

PROJECT NAME: _____

ADDRESS AND/OR LOCATION: _____

TMK NUMBER(S): _____

ZONING INFORMATION

STATE LAND USE _____ COMMUNITY PLAN _____

COUNTY ZONING _____ SPECIAL DISTRICT _____

OTHER _____

FLOOD INFORMATION

FLOOD HAZARD AREA* ZONE _____

BASE FLOOD ELEVATION _____ mean sea level, 1929 National Geodetic Vertical Datum
or for Flood Zone A0, FLOOD DEPTH _____ feet.

FLOODWAY [] Yes or [] No

FLOOD DEVELOPMENT PERMIT IS REQUIRED [] Yes or [] No

* For flood hazard area zones B or C; a flood development permit would be required if any work is done in any drainage facility or stream area that would reduce the capacity of the drainage facility, river, or stream, or adversely affect downstream property.

FOR COUNTY USE ONLY

REMARKS/COMMENTS: _____

- ☐ Additional information required.
- ☐ Information submitted is correct.
- ☐ Correction has been made and initialed.

Reviewed and Confirmed by: _____

Signature

Date

Zoning Administration and Enforcement Division